AO 106 (Rev. 04/10) Application for a Search Warrant

FILED
At Albuquerque NM
MAY 22 2017
MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT

for the
District of New Mexico

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)
THRASH, William L.
SSN: xxx-xx-1315

Case No. 17-MR-393

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

The person known as William L. THRASH, DOB: xx/xx/1966, SSN: xxx-xx-1315

located in the ______ District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:
DNA evidence; to wit; Buccal cell swab, sufficient for DNA analysis, which would be material evidence in a criminal prosecution.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:
- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☑ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
Title 18 USC 922(g)(1)	Convicted felon in possession of a firearm
Title 18 USC 1951	Hobbs Act, Robbery
Title 18 USC 924(c)	Use of a firearms in furtherance of a federal crime of violence

The application is based on these facts:

See attached affidavit

☑ Continued on the attached sheet.

☐ Delayed notice of ____ days (give exact ending date if more than 30 days: ________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
Applicant's signature

Victor Hernandez, Task Force Officer, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 5/22/17

[signature]
Judge's signature

City and state: Albuquerque, New Mexico

William P. Lynch
Printed name and title

AFFIDAVIT FOR SEARCH WARRANT

Search Warrant - Continued.
United States of America
V.
THRASH, William L.
SSN: xxx-xx-1315

1. Victor Hernandez, a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:

2. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am currently also a Detective with the Albuquerque Police Department and have been so for 13 years.

3. As a Task Force Officer and in my experience previously as a law enforcement officer with the Albuquerque, NM police department. I have conducted surveillance, interviewed sources of information and defendants, served and reviewed telephone subpoenas, served search warrants and arrest warrants, investigated firearms and narcotics trafficking, National Firearms Act (NFA) violations, Hobbs Act violations, carjacking violations, undercover firearms and narcotic investigations. Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal firearms laws.

4. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18 and 26, United States Code.

5. The statements contained in this affidavit are based, in part, on information provided by Special Agents and Task Force Officers of the ATF and other law enforcement officers; on conversations held with police officers; and on my background and experience law enforcement officer.

6. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

7. On March 14, 2017, Ofc. B. Melendrez # 3339 with the Albuquerque Police Department was dispatched to 1400 Montano Rd. NE in reference to an armed robbery at the Circle K store in the City of Albuquerque, County of Bernalillo, and State of New Mexico.

8. Ofc. Melendrez spoke with store employee/witness AE and obtained a description of the subject. The subject was described as a Hispanic male, 30-50 years of age, standing approximately 5'9" tall, wearing a brown jacket and baseball cap.

9. Ofc. Melendrez was told that the subject pulled out a "sawed off" shotgun from a black and yellow canvas bag and demanded cash.

10. The male subject was handed approximately $ 8,000.00 in US Currency and left the store on foot. Store surveillance video captured the incident.

11. On April 15, 2017, Ofc. C. Duda # 5707 with the Albuquerque Police Department was dispatched to 3800 Central Ave SE in reference to an armed robbery at the Seven Clover Marijuana Dispensary in the City of Albuquerque, County of Bernalillo and State of New Mexico.

12. Ofc. Duda spoke with store employees/customers and/or witnesses, and obtained a description of the subject. The subject was described as a Hispanic male, between 40-50 years of age, standing approximately 6'0" tall, wearing a black jacket, jeans, black baseball cap, and sunglasses.

13. The male subject was carrying a "sawed off" shotgun and a black/blue canvass bag. The male subject pointed the "sawed off" shotgun at store employees/customers/witnesses MC, KS, NT. The male subject then demanded cash and products from the store.

14. The male subject was handed over approximately $ 732.00 in cash and approximately $ 1,100.00 in marijuana and marijuana products.

15. The male subject fled the store on foot. Store surveillance video captured the incident.

16. On April 18, 2017, Albuquerque Police Department Robbery Detective K. Church # 5281, received information from a confidential human source (CHS). The CHS provided information to Det. Church that the male subject responsible for the robbery on April 15, 2017 at the Seven Clover Marijuana Dispensary was known to the CHS as William Thrasher.

PROBABLE CAUSE

17. The CHS provided the location where the male subject (Thrasher) was staying as the Luxury Inn Hotel, room 127. The CHS also told Det. Church that it had seen some of the stolen marijuana products and cash from the robbery inside the hotel room.

18. The CHS told Det. Church that the male subject (Thrasher) was armed with a "sawed off" shotgun during the robbery and the (Thrasher) was planning to commit additional robberies.

19. The CHS described the male subject (Thrasher) as a white or Hispanic male, in his 40's, standing approximately 6'0' tall, with short hair and facial hair.

20. Det. Church after receiving the information researched previous armed robberies with similarities based on subject description and weapon utilized in the crime. Det. Church noted that the armed robberies committed on March 14, 2017 at 1400 Montano Rd. NW and April 15, 2017 at 3800 Central Ave. SE, showed several distinct similarities.

21. Det. Church reviewed surveillance video from both store robberies and still photographs taken from the surveillance videos. Det. Church utilized local police reports and other law enforcement databases in order to identify the male subject responsible for the armed robberies.

22. The surveillance videos captured a white or Hispanic male standing approximately 6'0" tall, skinny build, wearing a Dukes baseball cap, carrying a "sawed off" shotgun and a blue and black colored bag. Sunglasses worn by the male subject were the only thing obscuring his face.

23. Det. Church noted that the male subject's shoes could clearly be seen in the video. The shoes were described as black with white soles, with reddish orange accents on the shoes. Det. Church noted that the shoes were very distinct and could be easily identified.

24. Det. Church based on the physical description of the male subject from both armed robberies and the information provided by the CHS, was able to tentatively identify the male subject as William L. THRASH, DOB: xx/xx/1966. THRASH's physical description was listed as standing 6'0" tall and weighing approximately 150 pounds

PROBABLE CAUSE

25. Det. Church compared multiple photographs of William L. THRASH with the still photos taken from the surveillance videos and was certain that William L. THRASH was responsible for the armed robberies at 3088 Central Ave. SE.

26. Det. Church met with the CHS and showed it the photographs. The CHS confirmed that William L. THRASH was the subject the CHS knew as William Thrasher and the same subject the CHS knew to have committed the robbery at the Seven Clover Marijuana Dispensary, located at 3800 Central Ave. SE.

27. On April 19, 2017, Det. Church and other members of his Investigative team conducted surveillance at the Luxury Inn Hotel, room 127, located at 6718 Central Ave. SE, in the City of Albuquerque, County of Bernalillo, and State of New Mexico.

28. Albuquerque Police Department Detectives identified and made a positive identification of male subject observed entering and exiting room 127, as William L. THRASH.

29. Detectives also noted that THRASH was wearing black shoes with white soles and that the shoes had a reddish orange accents.

30. Detectives after securing New Mexico State Arrest and Search Warrants for THRASH and room 127 were able to take THRASH into custody away from the hotel room on a local street a few blocks away.

31. Detectives conducted a search of room 127, with an authorized search warrant in hand.

32. Detectives encountered five (5) adults inside the room, and identified them as Timothy Ziegler, Della Densmore, Valerie Martinez, Brittany Lopez and Eric Sanchez.

33. Det. Church interviewed Timothy Ziegler, who told him that THRASH had rented room 127.

PROBABLE CAUSE

34. Det. Church interviewed Brittany Lopez, who identified herself as the daughter of THRASH. Lopez told Det. Church that the hotel room was her father's (THRASH) and that he had contacted her to see if she wanted some "CBD Oil," which was some of the marijuana product taken from the armed robbery of the Seven Clover Marijuana Dispensary.

35. Det. Church also confirmed with the front desk personnel at the Luxury Inn Hotel, that room 127 had been rented by William L. THRASH.

36. During the execution of the search warrant a Browning Arm Company, Invector BPS Special Field model, 12 gauge caliber, shotgun, bearing serial number 11815PW152, along with 12 gauge shotgun shells and .357 caliber ammunition were recovered. Your affiant viewed the firearm and found that it was not manufactured in the State of New Mexico, therefore affecting interstate commerce.

37. ATF TFO V. Hernandez conducted criminal history query for THRASH and determined that THRASH had previous felony convictions for the following cause numbers. D-202-CR-1990-00049 for Felon in Possession of a Firearm; D-202-CR-1994-00097 for Felon in Possession of a Firearm; D-202-CR-1994-00286 for Burglary (Auto) and Escape from Jail; D-202-CR-2009-03398 for Abandonment and/or Abuse of a Child and Felon in Possession of a Firearm. All of these convictions occurred out the 2nd Judicial District of New Mexico, County of Bernalillo. D-101-CR-1997-00069 for two (2) counts of Battery upon a Peace Officer and D-101-CR-1997-00901 for Possession of Deadly Weapon and/or Explosive by a Prisoner. All of these convictions were out of the 1st Judicial District of New Mexico, County of Santa Fe.

38. ATF TFO V. Hernandez determined that the Circle K located at 1400 Montano Rd. NW and the Seven Clover Marijuana Dispensary located at 3800 Central Ave. SE receive/received products and supplies from outside the State of New Mexico, thus affecting interstate commerce.

39. Your affiant knows it is common for an individual's DNA to be transferred to items handled by that individual; in this case the items are firearms. Based upon these facts your Affiant respectfully request that a search warrant be issued for William L. THRASH, to collect a sample of buccal cells for forensic analysis and for use as evidence in court as your Affiant opines there is probable cause to suggest William L. THRASH previously and unlawfully handled the above described firearm.

Respectfully submitted,

Victor Hernandez
Task Force Officer
ATF

Subscribed and sworn to before me
on May 22, 2017:

UNITED STATES MAGISTRATE JUDGE